



Docket No.: PZ003P4
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ruben et al.

Application No.: 09/852,659

Confirmation No.:

Filed: May 11, 2001

Art Unit: 1636

For: Secreted Protein HPMBQ91 (As Amended)

Examiner: D. M. Sullivan

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorney for Applicants hereby directs the Examiner's attention to references Z-AA on the attached Form SB/08. Copies of references Z-AA are enclosed.

The listed references are presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed references of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Identification of the listed references is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Pursuant to 37 C.F.R. § 1.97(c), because this Supplemental Information Disclosure Statement is being submitted after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Office Action, or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution, the Patent and Trademark Office will consider this Information Disclosure Statement if it is accompanied by the fee as specified in 37 C.F.R. § 1.17(p).

Accordingly, the Patent & Trademark Office is hereby authorized to charge our Deposit Account No. 08-3425 in the amount of \$180.00 as payment of the required fee, as itemized on the Fee Transmittal Sheet submitted concurrently herewith.

Dated: February 23, 2004

Respectfully submitted,

By 
Janet M. Martineau

Registration No.: 46,903
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PTO/SB/08a/b (06-03)
Approved for use through 07/31/2003. OMB 0651-0031
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Substitute for form 1449A/B/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	09/852,659-Conf. #5111
				Filing Date	May 11, 2001
				First Named Inventor	Steven M. Ruben
				Art Unit	1636
				Examiner Name	D. M. Sullivan
Sheet	1	of	1	Attorney Docket Number	PZ003P4

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			²
	Z	NAGASHIMA et al. "Cardiovascular roles of tachykinin peptides in the nucleus tractus solitarius of rats", Brain Research 487:392-396			
	AA	ROCCON et al. "Study of SR 142801, a new potent non-peptide NK3 receptor antagonist on cardiovascular responses in conscious guinea-pig", British Journal of Pharmacology 118:1095-1102 (1996)			

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Examiner Signature		Date Considered	
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Application of:
Ruben et al.

Docket No.: PZ003P4

Application Serial No.: 09/852,659-Conf. #5111

Art Unit: 1636

Filed: May 11, 2001

Examiner: D. Sullivan

Title: Secreted Protein HPMBQ91 (As Amended)

The following documents were filed by Human Genome Sciences, Inc.
via hand delivery on December 1, 2003:

1. Return Receipt Card;
2. Fee Transmittal (in duplicate); and
3. Second Supplemental Information Disclosure Statement with Form PTO/SB/08 and copies of references P-Y.

Sender's Initials: KKH/JMM/FR/ba

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ruben et al.

Docket No.: PZ003P4

Application No.: 09/852,659

Confirmation No.: 5111

Filed: May 11, 2001

Art Unit: 1636

For: Secreted Protein HPMBQ91 (As Amended)

Examiner: D. Sullivan

**SECOND SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorney for Applicants hereby directs the Examiner's attention to references P-Y listed on the attached Form PTO/SB/08. Copies of the references are enclosed.

The listed references are presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed references of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Pursuant to 37 C.F.R. § 1.97(c), since this Second Supplemental Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits, but before

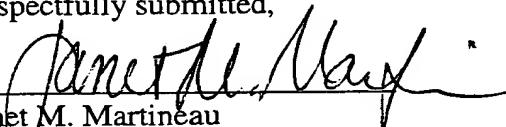
the mailing date of a Final Office Action, or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution, the Patent and Trademark Office will consider this Second Supplemental Information Disclosure Statement if it is accompanied by a statement as specified in 37 C.F.R. § 1.97(e) or the fee as specified in 37 C.F.R. § 1.17(p).

Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Second Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Second Supplemental Information Disclosure Statement. In particular, the listed references were cited in a European Search Report mailed October 23, 2003, in connection with a corresponding international application.

Applicant believes that no fee is due in connection with this submission. However, should the Patent & Trademark Office determine otherwise, please charge such fee to our Deposit Account No. 08-3425.

Dated: December 1, 2003

Respectfully submitted,

By 
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9410 Key West Avenue
Rockville, Maryland 20850
(301) 315-2723

KKH/JMM/FR/ba

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
Sheet	1	of	2	Application Number	09/852,659-Conf. #5111
				Filing Date	May 11, 2001
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				Examiner Name	D. Sullivan
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	P	EP-0 892 053-A2	01-20-1999	SmithKline Beecham PLC and Human Genome Sciences, Inc.	
	Q	WO-98/55612-A1	12-10-1998	ZymoGenetics, Inc.	

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NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
		T ²			
	R	BONNER et al., "A cDNA encoding the precursor of the rat neuropeptide, neurokinin B," <i>Molec. Brain Res.</i> , 2(3):243-249 (1987).			
	S	KAKO et al., "Cloning and Sequence Analysis of Mouse cDNAs Encoding Preprotachykinin A and B," <i>Biomed. Res.</i> , 14(4):253-259 (1993).			
	T	EBI Accession No. AA004764, HILLIER et al., "zh89a10.r1 Soares fetal liver spleen 1NFLS S1 Homo sapiens cDNA clone 428442 5' similar to SW:TKNK_BOVIN P08858 NEUROKININ B PRECURSOR, mRNA sequence" (Jul. 25, 1996).			
	U	EBI Accession No. T54351, HILLIER et al., "ya93h08.s1 Stratagene placenta (#937225) Homo sapiens cDNA clone IMAGE:69279 3' similar to SP:TKNK_BOVIN P08858 NEUROKININ B PRECURSOR, mRNA sequence" (Feb. 28, 1995).			
	V	EBI Accession No. R63635, HILLIER et al., "yi09f09.r1 Soares placenta Nb2HP Homo sapiens cDNA clone IMAGE:138761 5' similar to SP:TKNK_BOVINE P08858 NEUROKININ B PRECURSOR, mRNA sequence" (May 31, 1995).			
	W	EBI Accession No. T58582, HILLIER et al., "ya93h08.r1 Stratagene placenta (#937225) Homo sapiens cDNA clone IMAGE:69279 5' similar to SP:TKNK_BOVIN P08858 NEUROKININ B PRECURSOR, mRNA sequence" (Mar. 4, 1995).			

Examiner Signature	Date Considered	
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				First Named Inventor	Steven M. Ruben
				Art Unit	1636
				Examiner Name	D. Sullivan
Sheet	2	of	2	Attorney Docket Number	PZ003P4

	X	EBI Accession No. R62763, HILLIER et al., "yi10c09.r1 Soares placenta Nb2HP Homo sapiens cDNA clone IMAGE:138832 5' similar to SP:TKNK_BOVIN P08858 NEUROKININ B PRECURSOR, mRNA sequence" (May 30, 1995).	
	Y	LANG et al., "Neurochemical characterization of preprotachykinin B(50-79) immunoreactivity in the rat," <i>Regulatory Peptides</i> , 57:183-192 (1995).	

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